

Tackling corruption and smuggling in the US



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In June 2006 CBS News reported, "A furious gun battle erupted inside a federal prison Wednesday when a guard opened fire on FBI agents who had come to arrest him and several others on charges of having sex with female inmates in exchange for money, alcohol and pot. Two people were killed and another was wounded." William Sentner, the Office of Inspector General (OIG) agent, died while returning fire on the corrections officer who had smuggled his firearm into the prison. Staff corruption in US prisons is a real problem that County, State and Federal management are trying hard to stamp out even now, 11 years later.

The 2016 OIG report, the Review of the Federal Bureau of Prisons Contraband Interdiction Efforts reported, "a total of 134 BOP staff ... were implicated in 99 substantiated contraband-related investigations over a 2-year period (July 17, 2012, to July 17, 2014)." While fewer than 1% of the 40,000 prison officers working in the Bureau of Prisons (BOP) estates, it still amounts to roughly one investigation being initiated by the OIG every week across the United States.

BOP, State and County

Broadly, there are three types of prison estate in the United States. Most crimes are dealt with at state or county level from traffic violations to mass murders. These are managed through individual states' criminal justice systems and the prisons are not managed

centrally from Washington DC. Federal crimes are managed through the Department of Justice from Washington DC and the convict will be put in a Federal prison managed by the Bureau of Prisons (BOP). For example, if someone has shot and killed his family he could face the death penalty but this would be managed by the state unless he had a criminal conviction when he obtained the gun (breaking Federal law) in which case he would be tried and punished by the United States.

The Office of the Inspector General oversees the management of the Department of Justice (including the BOP) and investigates crimes, among its 100,000 employees with a team of around 125 agents who have the same powers of arrest and investigation as the FBI.

Speaking to Custodial Review, Department of Justice Inspector General Michael Horowitz explained, "Eighty plus percent of our prisoners are in for drugs, firearms offences, criminal immigration and fraud."

The US BOP manages the largest individual estate in terms of prisoner population, looking after 200,000 prisoners of the 1.5 million inside across the whole country. There is no national management structure for state and county prisons however. It is down to states and counties to run their own estates. Corruption at state and county level is investigated by the FBI.

Pay and conditions

The Colombia Law School's Centre for the Advancement of Public Integrity published a report in 2016 called *Prison Corruption: the problem and some potential solutions* that stated, "Correction officers largely agree that corruption is primarily caused by a desire for money, and further fuelled by the promise of increasing payoffs. Correction officers working in the United States in 2011 earned an average annual salary of \$43,550 [£28,600], nearly 14% below the national median household income." In one case, a California correction officer supplemented his \$40,000 salary with more than \$150,000 in payments from prisoners for smuggling phones into the state prison in one year.

Horowitz denied that pay is an issue in the government run BOP estate, saying that generally BOP correctional officers are paid a lot better than in state and county institutions.

There are inconsistencies in the BOP estate though

Privately run Federal prisons don't have to conform to the same recruitment and pay practices that the government run institutions

do. Horowitz gave an example of one prison that was run by a private company which was found to have been paying its correctional officers less than Federal employees. "At the Adams County Federally contracted prison we found that not only was the company paying correctional officers far less than the Federal Bureau of Prisons but also less per hour than the State of Mississippi was paying its correctional officers. The promotion prospects were far less than the BOP. Additionally we found that the standards for hiring were also far lower than the Federal Bureau of Prisons, meaning that some of the officers at the Federally contracted prison would not have been hired by the BOP."

Across the BOP estate as a whole, Horowitz saw a number of other issues at play: "When we looked back at the staff at the BOP that got themselves into trouble, they had not as much educational background as those who did not commit crimes. The more experienced they were the less likely they were to engage in wrongdoing. Age played a role as well. This is consistent with my experience investigating corruption in the New York Police Department 20 years ago."

Internal security

Across the US prison system there have been a number of cases where correctional officers ended up in sexual affairs with prisoners. In November 2016 the Virginia TV station WDBJ 7 reported, a

"Department of Corrections employee who worked as an inmate counsellor smuggled contraband in for a gang leader with whom she had a sexual relationship. The inmate counsellor, who worked at Lawrenceville Correctional and Greensville Correctional Center in the southern part of the state, has been charged in a related case."

The case highlights how some smuggling incidents have begun due to such relations leading to staff becoming vulnerable to inmates' demands because of intimacy and even blackmail.

One of the reasons that sexual affairs can take place between correctional officers and prisoners is the lack of effective CCTV cameras inside. Horowitz said, "We are very concerned about the blind spots in prisons. Both prisoners and staff know where these blind spots are. The more sophisticated staff and inmates engaged in wrongdoing know where to go. Blind spots often impede our investigations into staff misconduct as well as investigations by others involving inmate misconduct."

Security at the gate should be extremely tight,

with anyone in contact with prisoners being subject to rules governing what can be brought in, and this being enforced through searches. Somewhat worryingly this hasn't always been the case as was seen in the shooting incident at the beginning of this article – the correctional officer had smuggled the gun into the prison.

The 2016 contraband interdiction report stated, "In a January 2003 report, the OIG recommended that the BOP revise its staff search policy to require searches of staff and their property when entering institutions. After more than 10 years of negotiation with its union, the BOP implemented a new staff search policy in 2013." Soon after this was implemented the union took legal action to stop the search policy.

The report continued, "the Federal Labor Relations Authority ordered the BOP to cease and desist using the 2013 staff search policy following a union challenge to it. The BOP then reinstated the policy on March 28, 2016 with minor changes not relevant to this review. As a result, more than 13 years after our 2003 report, the BOP still has no comprehensive and effective staff search policy."

Horowitz would not comment on the legal

action between the unions and the BOP. He said, "It is very frustrating that the issue of how BOP staff are searched when they enter a prison isn't taken as seriously as it should be."

Similar issues were found in the New York state prison system, where in one case a Riker's Island correctional officer's smuggling contraband into the prison led to an inmate escaping. The Colombia Law School report stated, "Specific recommendations of [New York State OIG] included: (1) front gate security staff will open and examine the contents of all bags and containers of employees entering and exiting the prison; limits on the number and size of containers will be enforced and clear bags and containers will be required; (2) utilization of metal detectors will significantly increase; (3) a random selection of employees will be pat-frisked upon entering and exiting the prison; (4) random use of canines to detect contraband will be considered; (5) security staff will be retrained in these procedures; (6) prison management will implement effective monitoring to ensure compliance with front gate procedures; and (7) during shift changes a lieutenant or high-ranking security officer will monitor front gate searches."

In the BOP, security to stop contraband being taken into prisons by staff that is in place can be somewhat loose as things stand. The OIG contraband report stated, "The [2013] policy provided that all staff and their belongings could be searched randomly or based on reasonable suspicion when entering, reentering, or inside an institution or on its grounds. However, the policy did not prescribe any required frequency for conducting random pat searches, resulting in what we found to be infrequent staff pat searches of varying duration. It also allowed staff to possess and use within institutions items, such as tobacco, that are prohibited for inmates. Additionally, despite the BOP concurring in 2003 with the OIG's recommendation that it restrict the size and content of personal property that staff may bring into institutions, the 2013 policy contained no such restrictions. The policy further permitted staff to return to their vehicles to store contraband that had been identified during front lobby screening procedures..."

The same report found, "the policy permitted potentially corrupt staff who intended to introduce contraband

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into institutions to avoid more severe disciplinary action by returning identified contraband to their vehicles. While we found institutions we visited staffed front lobby officer positions in accordance with the policy, some institutions selected inexperienced and junior personnel for these important positions."

Speaking to Horowitz, we raised the idea that according to the report it would be possible for someone who was caught carrying drugs or a gun into the prison to simply return the contraband to their car and try to get them inside the complex when a young receptionist was doing the gate later on in the shift. He said, "When we hear of such an incident we will go out and question the person who allowed this to occur, not just the person who committed the offence. I have not heard of this recently as much as I did a while back. The message seems to be getting out that if you are not following the rules we need to make sure that that occurs."

In the case of contraband being smuggled into prisons there is a grey area. Horowitz explained that there are items such as illegal drugs and weapons that should never be brought into the institution, that should be seized should they be found. He did say however, "In some circumstances, BOP policy allows staff to bring certain items that aren't allowed into the prison – like tobacco and cell phones – back to their cars."

Budgets

As indicated above, budgets are a problem that has led to overcrowding in BOP prisons. Horowitz explained, "The BOP budget has been increased quite substantially as a proportion of the Department of Justice budget over the last 15 years. However until very recently the overcapacity of the prison population has increased and staffing didn't keep up. This has been a challenge even with the budget increases." In short, while the UK has seen budget cuts in the face of a growing prison population the BOP has been getting increases in its budget but this hasn't kept pace with increased demand for capacity until the population plateaued around two years ago. This created additional difficulties in an already strained system.

The UK prison system – a leading light?

The Colombia Law School report cited the UK prison system as a leading light in stopping contraband from being smuggled in by prison officers. In 2006 a report by the Met Police was leaked to the press detailing more than 1000 incidents of staff corruption. The Colombia Law School report stated, "The government took action and began many different initiatives including the removal of cell phones from prisons and an effort to halt the flow of drugs into prisons. These efforts culminated in the creation of a new investigatory anti-corruption unit sponsored by the Metropolitan Police and the Prison

Service. The government also has instituted best practice guidelines to help combat prison corruption on a national level. The guidelines provide protocols for a national prison corruption prevention program, including detailed definitions of what is and is not prison corruption."

Conclusions...

Horowitz and his opposite numbers in state and county prison systems look to the UK as a leading light in regard dealing with corrupt staff. For their parts however there are real problems that though small in terms of the proportion of corrupt staff in a large sector, endanger their colleagues and inmates alike. Dealing with corruption is a focus for prison management at all levels of the system, and due to a wide variety of problems it has a long way to go before it can be fully stamped out.

NOTES

CBS News report <http://www.cbsnews.com/news/fed-agent-guard-die-in-prison-gunfire/>

Contraband Interdiction Efforts report <https://oig.justice.gov/reports/2016/e1605.pdf>

Colombia Law School report http://www.law.columbia.edu/sites/default/files/microsites/public-integrity/files/prison_corruption_-_capi_community_contribution_-_september_2016.pdf

WDBJ 7 report <http://www.wdbj7.com/content/news/Feds-Prison-guards-tried-to-smuggle-drugs-in-for-gang-400079151.html>



National Custody Seminar

The seventh National Custody Seminar and Exhibition will be held at the Hilton Hotel Warwick/Stratford-Upon-Avon from 11:00 on Tuesday 12 September until 13:00 on Wednesday 13 September.

This event will consider key issues affecting police custody both now and in the future as well as encourage and develop the sharing of best practice in this key area of police operations. Matters for discussion and debate this year are expected to include:

- PACE Changes arising from the Police & Crime Act
- The Home Secretary's Independent Review of Deaths and Serious incidents in police custody
- The NPCC's National Custody Strategy

- Improving safety in police custody environments
- Learning the lessons from serious incidents & investigations
- Safeguarding the rights of suspects and victims

The event aims to set the scene and direction that will ensure custody suites across the country are operated professionally, allowing those responsible for procuring, managing and delivering front-line custody services to fully understand and comply with legislation, guidance and protocols and provide lawful, safe and proportionate police custody.

Delegates will hear from keynote speakers drawn from a range of important police custody stakeholders and partner organisations as well as from the National Custody Forum and lead custody representatives who will reflect their current priorities, focus and strategy.

This annual event has developed an excellent reputation for consistently delivering quality content that is highly relevant to those working in and around police custody and the many challenges that they face going forward.

Who should attend: Police Federation Custody Representatives, Custody Officers and other officers and staff currently serving in custody, Custody Inspectors, Custody Managers, Police Estate Managers, Police Procurement representatives, Police Stakeholder groups and any organisations with a particular interest in police custody issues.

A 24 hour delegate rate is available at the cost of £250.00 (inclusive of VAT). This will include refreshments on arrival, buffet lunch and a three course dinner, together with bed and breakfast for the night of Tuesday 12 September and car parking.

A day delegate rate is also available at the cost of £150.00 (inclusive of VAT), to include refreshments on arrival, buffet lunch and a three course networking dinner. Please note that accommodation is not included with this package.

More details and the booking form can be found at

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